

EXHIBIT 18

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOAN K. GONZALEZ,)

Plaintiff,)

VS.)

CASE NO.: 13-CV-183-DAE

TEXAS HEALTH AND HUMAN)

SERVICES COMMISSION, AND)

EXECUTIVE COMMISSIONER)

Kyle Janek, M.D. and)

Director Kelly Ford, in)

their Official Capacities,)

Defendants.

AND

CAUSE NO. 2013-CI-17384

JOAN K. GONZALEZ,) IN THE DISTRICT COURT

Plaintiff,)

VS.)

OF BEXAR COUNTY, TEXAS

TEXAS HEALTH AND HUMAN)

SERVICES COMMISSION, AND)

EXECUTIVE COMMISSIONER)

Kyle Janek, M.D. and)

Director Kelly Ford, in)

their Official Capacities,)

Defendants.) 225TH JUDICIAL DISTRICT

ORAL DEPOSITION OF
MARCELLUS HUCHISON
APRIL 17, 2014

1 ORAL DEPOSITION OF MARCELLUS HUCHISON, produced as
2 a witness at the instance of the Defendant, and duly
3 sworn, was taken in the above-styled and numbered cause
4 on April 17, 2014, from 3:48 p.m. to 4:10 p.m., before
5 Deborah A.G. Davidson, CSR, RPR, in and for the State of
6 Texas, reported by machine shorthand, at the Texas
7 Department of Human Services, 11307 Roszell Street, San
8 Antonio, Texas 72817, pursuant to the Federal Rules of
9 Civil Procedure and the provisions stated on the record
10 or attached hereto.

A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFF:

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FOR THE DEFENDANTS:

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ALSO PRESENT:

Russ Harris,
Assistant Attorney HHSC;
Joan K. Gonzalez;
Marcellus Huchison,
The Witness;

Deborah Davidson,
Certified Shorthand Reporter.

1 Q. Do you remember her asking you that?

2 A. During the time we worked together?

3 Q. Well, or even more recently?

4 A. No. I don't think I have told Joan that.

5 Q. Are you required to work overtime?

6 A. We're not -- it's not -- well, you got a
7 caseload, and so I think the requirement is they don't
8 want you to work over ten hours overtime.

9 Q. Okay.

10 A. Yeah. I don't know the policy verbatim. So --
11 you know, so -- but I think they don't want you working
12 over ten years.

13 Q. Okay. And are you required to work overtime?

14 A. I don't think we are required to work overtime.

15 Q. Okay.

16 MS. GONZALEZ: It's by choice.

17 Q. (BY MR. GALO) It is by choice?

18 A. Well, it's by you're going to get your caseload
19 done.

20 Q. Sure.

21 A. Yeah.

22 Q. In other words, if you want to -- but you don't
23 have a supervisor telling you you must work overtime --

24 A. No.

25 Q. -- every week?

1 A. No.

2 Q. Now, at the call center did you have to work
3 overtime?

4 A. Well, at the call center was a totally
5 different scenario.

6 Q. Okay.

7 A. I mean, a different time in life too.

8 Q. And you have already described for me in part
9 how it was different, but was there a rule at the call
10 center that you had to work "X" number of hours of
11 overtime every week?

12 A. Yes. And it was -- I think the reason we did
13 that was because we had just converted over to the new
14 Tiers program. The state adopted the new program --

15 Q. Yeah.

16 A. -- and we was -- and we was in that -- in that
17 conversion mode.

18 Q. How was it that you got the job in the Schertz
19 office?

20 A. I requested it.

21 Q. Okay. And walk me through the process of
22 trying to -- you know, of leaving -- in other words, of
23 getting -- requesting a job outside the call center?

24 A. Well, originally when everybody that -- in my
25 little group that came over to the call center, it was

1 cases, generally somebody walk in off the street,
2 expedite need to be done, and then you have -- normally
3 we have what they call desk reviews is when some people
4 turn in application and you can process without actually
5 talking to them, and now we got the new ACA cases come
6 on board.

7 Q. Uh-huh.

8 A. And they usually give you about two or three of
9 those to do a day. I am generally done by three-thirty,
10 four every day and other people work a little late
11 because they don't get them done.

12 Q. So what time do you go to work?

13 A. I usually go to work at eight o'clock.

14 Q. And you are done by three-thirty?

15 A. (Moving head up and down.)

16 Q. Is that right?

17 A. I type fast.

18 Q. Well, I am not disputing that.

19 A. Yeah. And not every single day.

20 Q. Are you --

21 A. But most -- the most days -- most days.

22 Q. You must not take a lunch?

23 A. I take a lunch.

24 Q. An hour?

25 A. I take an hour.

1 Q. And you work Saturdays too?

2 A. If I can keep from it. I have been over at
3 that Schertz office, what, two and a half years and I
4 have probably worked two Saturdays in two and a half
5 years and -- and that wasn't -- it wasn't mandatory. It
6 was because I chose to.

7 Q. And generally speaking you work from eight to
8 three-thirty with an hour lunch?

9 A. No. I work from eight to five, but I am
10 usually done by three-thirty.

11 Q. So what do you do after three-thirty?

12 A. I do my admin work. Because a lot of times we
13 send cases back, we say, "Hey, I need information from
14 you," and so at that particular time that's when I do
15 that kind of admin work.

16 Q. Okay. I follow you.

17 A. (Moving head up and down.)

18 Q. Do you ever have to stay late? Is it rare?

19 A. It's rare.

20 Q. Do the -- you were talking about some of these
21 works advisors that had been at the old center and then
22 they had moved to the call center and then they -- some
23 of them have kind of spread out to different local
24 offices if I understood you correctly?

25 A. Uh-huh.

1 remember data broker?

2 A. Uh-huh. Of course.

3 Q. Was that something you used in the WHP program?

4 A. Yeah. We used it quite frequently.

5 Q. Okay. That was something you needed to do your
6 job, right?

7 A. Most definitely.

8 Q. If you didn't have access would it have made it
9 harder or more time consuming to do your job?

10 A. I believe it most definitely would, yeah.

11 Q. Okay. You know, the E.E.O.C. in this case they
12 actually found -- they did a big investigation and they
13 actually found in Joan's favor. They interviewed some
14 people and I was reading these interview notes that the
15 E.E.O.C. investigator -- investigator wrote and, you
16 know, like one of the people they talked to -- what was
17 that lady's name? Bear with me just a second. Did you
18 ever hear rumors that they were trying to get rid of
19 Joan?

20 A. No.

21 MR. GALO: No. That's not the one that I
22 am --

23 MS. GONZALEZ: They're all --

24 Q. (BY MR. GALO) Bear with me, I'm almost done.

25 We'll get you out of here in just a second. Were you --